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| 10/597,932 | 08/11/2006 | Johan Torsner | P19250-US1 | 7997 |
| 27045 | 7590 | 09/14/2009 | | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | EXAMINER SARWAR, BABAR | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,932

Applicant(s)

TORSNER ET AL.

Examiner

BABAR SARWAR

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50, 53-57, 67, 70-81, 83 and 86-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50, 53-57, 67, 70-81, 83 and 86-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed **06/04/2009** have been fully considered but they are not persuasive.
2. **Claims 1-49** have been cancelled as per preliminary amendments.
3. **Claims 51, 52, 58-66, 68-69, 82, 84-85 and 98** have been cancelled.
4. **Claims 50, 53-54, 56-57, 67, 70-71, 73-74, 83, 86-87** have been amended.
5. **Claims 50, 53-57, 67, 70-81, 83, and 86-97** are currently pending.

Specification

6. **Claims 67, 83** are objected to because of the following informalities: the limitation **"wherein the data transfer initiating message is an uplink cell update message transmitted by a UE"** is repeated twice.

Appropriate correction is required.

The applicant argued features wherein the User Equipment determining whether traffic volume of the data to be transmitted exceeds a pre-configured threshold, which is indicated in the data transfer initiation message transmitted by the User Equipment, read upon Wallentin as follows;

Wallentin discloses a connection state selector (**Fig. 8, element 80, where Wallentin discloses CSSM in the mobile station**) as well as down link and uplink packet flow measurement units provided in the User Equipment and a controller to handle signaling over the radio interface to make the connection change (**Fig. 8, elements 76, 78, 82, where Wallentin discloses MMD, MMU and the controller in**

the mobile station). Further more, Wallentin discloses connection queue provided in the User Equipment (**Fig. 8, element 81, where Wallentin discloses QUEUE in the mobile station**). The User Equipment is capable of initiating a connection state transition based on the packet flow measurements. The connection state selector determines, based on the variable packet density/traffic volume that a connection state is necessary, it signals the mobile station controller to make the connection state change. The controller handles the signaling over the radio interface in order to make the connection state change (**Col. 8:55-60, Fig. 8, where Wallentin discloses the mobile station signaling the controller to make the connection state change and in turn the controller handling the signaling over the radio interface to make the connection state change**). Wallentin discloses that the Queue's length is measured for uplink queue corresponding to the connection. The comparison is performed between queue length and the threshold, and based on the comparison the shared channels or the dedicated channels are selected (**Fig. 5, where Wallentin discloses the comparison performed between queue length and the threshold in order for the controller to make the connection state change**). Thus Wallentin shows the limitation of "the User Equipment determining whether traffic volume of the data to be transmitted exceeds a pre-configured threshold, which is indicated in the data transfer initiation message transmitted by the User Equipment."

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 50, 53-57, 67, 70-81, 83, and 86-97 rejected under 35 U.S.C. 102(b) as being anticipated by Wallentin et al. (US 6,594,238 B1), hereinafter referenced as Wall.

Consider **claims 50, 67, and 83**, Wall discloses a method in a User Equipment (UE) for initiating a data transfer from the UE in a Universal Mobile Telecommunications System (UMTS) terrestrial radio access network (UTRAN) (**Abstract, Col. 3 lines 59-67, Col. 4 lines 1-59, Fig. 2**), wherein the UTRAN comprises at least one Radio Network Controller (RNC) connectable to the UE that is capable of being in the states UTRAN Registration Area Paging Channel (URA PCH), Cell Paging Channel (CELL PCH) or Cell Dynamic Host Configuration (CELL DCH) (**Col. 7 lines 53-67, Col. 8 lines 1-25, Fig. 7, where Wall discloses connection states**), the method comprising the steps of: introducing delay reducing information in a data transfer initiating message by the UE (**Col. 8:55-60, Fig. 8, where Wallentin discloses the mobile station signaling the controller to make the connection state change and in turn the controller handling the signaling over the radio interface to make the connection state change**); transmitting the data transfer initiating message by the UE (**Col. 8:55-60, Fig. 8, where Wallentin discloses the mobile station controller handling the signaling over the radio interface to make the connection state change**); receiving a message from the RNC comprising information for transferring the UE from the URA PCH or the CELL PCH state directly to the CELL DCH state by means of the delay reducing

information in the data transfer initiating message (**Col. 7:22-67, Col. 8:1-60, Col. 9: 13-25, Figs. 7, 8, 9 where Wall discloses transferring connection states based on traffic density/volume i.e. reducing delay by changing connection states**).

Wherein the data transfer initiating message is an uplink cell update message transmitted by the UE (**Col. 8:55-60, Fig. 8, where Wallentin discloses the mobile station controller handling the signaling over the radio interface to make the connection state change**); and wherein the delay reducing information comprises information if the traffic volume of the data to be transmitted is above a pre-configured threshold (**Col. 6:33-67, Col. 7:1-5, Fig. 5, Where Wall discloses the comparison performed between queue length and the threshold in order for the controller to make the connection state change**).

Consider **claim 53**, Wall discloses everything claimed as implemented above (see claim 50). In addition, Wall discloses that wherein the delay reducing information further comprises information whether the data to be transmitted is available on a user bearer or on a signaling bearer (**Col. 2:7-67, Col. 3:1-7, Col. 4:43-59, Col. 8:14-25, where Wall discloses the connection states based on various factors and considerations i.e. desired bearer service, current amount of data in the queue, current connection state**).

Consider **claim 54**, Wall discloses everything claimed as implemented above (see claim 50). In addition, Wall discloses that wherein the delay reducing information is indicated in an extension of the cell update message (**Col. 7:53-65, Fig. 7, where Wallentin discloses selection of connection states using parameter information**

from the requested data service).

Consider **claim 55**, Wall discloses everything claimed as implemented above (see claim 54). In addition, Wall discloses that wherein the extension comprises at least one dedicated flag **(Col. 8:55-60, Fig. 8, where Wallentin discloses the connection state selector signaling the controller for connection state change).**

Consider **claim 56**, Wall discloses everything claimed as implemented above (see claim 50). In addition, Wall discloses that wherein the extension comprises currently reserved code points comprising spare values in the existing cell update message **(Col. 7:53-65, Col. 8:55-60, Figs. 7, 8, where Wallentin discloses the connection state selector signaling the controller for connection state change).**

Consider **claim 57**, Wall discloses everything claimed as implemented above (see claim 50). In addition, Wall discloses that wherein the step of receiving a message from the RNC comprises the steps of: receiving a cell update confirm message from the RNC; and, transmitting a Radio Bearer configuration complete message to the RNC **(Col. 9 lines 13-25, where Wallentin discloses the RNC sending message to the mobile station with change of connection state information).**

Claim 70, as analyzed with respect to limitations as discussed in claim 53.

Claim 71, as analyzed with respect to limitations as discussed in claim 54.

Claim 72, as analyzed with respect to limitations as discussed in claim 55.

Claim 73, as analyzed with respect to limitations as discussed in claim 56.

Claim 74, as analyzed with respect to limitations as discussed in claim 57.

Consider **claim 75**, Wall discloses everything claimed as implemented above (see claim 67). In addition, Wall discloses wherein the data transfer initiating message is a downlink paging message is transmitted by the RNC (**Col. 9:13-25, where Wallentin discloses allocation of spreading codes and the RNC sending message to the mobile station with change of connection state information**).

Consider **claim 76**, Wall discloses everything claimed as implemented above (see claim 67). In addition, Wall discloses wherein the delay reducing information comprises any of the information parameters: physical and transport channel configuration parameters, code allocation and radio bearer configuration, and the identity parameter U-RNTI (**Col. 9:13-25, where Wallentin discloses allocation of spreading codes and the RNC sending message to the mobile station with change of connection state information**).

Consider **claim 77**, Wall discloses everything claimed as implemented above (see claim 76). In addition, Wall discloses wherein the delay reducing information further comprises at least an uplink Dedicated Physical Channel (DPCH) related information, downlink DPCH related information, downlink radio link related information, power control configurations or potential high speed downlink shared channel (HS-DSCH) configurations (**Col. 7:53-65, Col. 8:55-60, Figs. 7, 8, where Wallentin discloses the connection state selector signaling the controller for connection state change**).

Consider **claim 78**, Wall discloses everything claimed as implemented above (see claim 75). In addition, Wall discloses wherein the delay reducing information is indicated in an extension of the paging message (**Col. 7:53-65, Fig. 7, where Wallentin**

discloses selection of connection states using parameter information from the requested data service).

Consider **claim 79**, Wall discloses everything claimed as implemented above (see claim 78). In addition, Wall discloses wherein the delay reducing information is indicated in the extension explicitly (**Col. 7:53-65, Col. 8:55-60, Figs. 7, 8, where Wallentin discloses the connection state selector signaling the controller for connection state change**).

Consider **claim 80**, Wall discloses everything claimed as implemented above (see claim 78). In addition, Wall discloses wherein the delay reducing information is indicated in the extension by means of a pointer to a previously transmitted downlink message, wherein the previously transmitted downlink message comprises the delay reducing information (**Col. 7:53-65, Col. 8:55-60, Figs. 7, 8, where Wallentin discloses the connection state selector signaling the controller for connection state change**).

Consider **claim 81**, Wall discloses everything claimed as implemented above (see claim 75). In addition, Wall discloses wherein the transmitter comprises means for transmitting a Radio Bearer re-configuration complete message from the UE (**Col. 7:53-65, Col. 8:55-60, Figs. 7, 8, where Wallentin discloses the connection state selector signaling the controller for connection state change**).

Claim 86, as analyzed with respect to limitations as discussed in claim 53.

Claim 87, as analyzed with respect to limitations as discussed in claim 54.

Claim 88, as analyzed with respect to limitations as discussed in claim 55.

Claim 89, as analyzed with respect to limitations as discussed in claim 56.

Claim 90, as analyzed with respect to limitations as discussed in claim 57.

Claim 91, as analyzed with respect to limitations as discussed in claim 75.

Claim 92, as analyzed with respect to limitations as discussed in claim 76.

Claim 93, as analyzed with respect to limitations as discussed in claim 77.

Claim 94, as analyzed with respect to limitations as discussed in claim 78.

Claim 95, as analyzed with respect to limitations as discussed in claim 79.

Claim 96, as analyzed with respect to limitations as discussed in claim 80.

Claim 97, as analyzed with respect to limitations as discussed in claim 81.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/BABAR SARWAR/
Examiner, Art Unit 2617

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